

March 20, 1996

LB 33  
LR 335

SENATOR WILL: Senator Warner, you are entitled to open on the bill.

SENATOR WARNER: Mr. President, members of the Legislature, I'd move the bill be advanced. I am not real clear. The intent of the amendment that I explained is exactly what it is supposed to be. Senator Wehrbein and I are not absolutely sure that that's what it is. If the bill is advanced, in view of the hour, the amendment will do how it was explained because both Roger and I agree, but I am not sure the amendment is exactly that, but that is what is intended, to delay the impact.

SENATOR WILL: Discussion on the advancement of LB 33. Don't see any, Senator Warner waives closing. The question before the body is the advancement of LB 33 from General File. All those in favor vote aye, opposed no. Mr. Clerk, please record.

CLERK: 29 ayes, 0 nays, Mr. President, on the adoption of the motion to advance Legislative Bill 33 to Enrollment and Review Initial.

SENATOR WILL: LB 33 advances. We now move to LR 335.

CLERK: LR 335, Mr. President, was a resolution introduced by the Appropriations Committee. It is found on page 1094 of the Journal. (Read brief explanation.)

SENATOR WILL: Senator Wehrbein to open on LR 335.

SENATOR WEHRBEIN: Got to find it first. Oh, Mr. President and members, this is the result of the state bringing an original action in quo warranto in to oust John P. Murphy, a district court judge, from membership on the Nebraska Commission on Law Enforcement and Criminal Justice. This was a suit brought by Attorney General Stenberg because John P. Murphy, a district court judge, was serving both as a district court judge and on the Nebraska Commission on Law Enforcement and Criminal Justice. The state alleged that Judge Murphy's dual service as a judge and a member of the commission violated the distribution of powers clause found in the Nebraska Constitution. Judge Murphy counterclaimed for attorney fees and costs. The Supreme Court agreed with the state's position that the provision of Nebraska statutes, and it gives those, which requires that the membership